

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

17 CR 684 (ER)

5 LAMONT EVANS,

6 Defendant.

Sentence

7 -----x  
8 New York, N.Y.  
9 June 7, 2019  
11:30 a.m.

10 Before:

11 HON. EDGARDO RAMOS,

12 District Judge

13 APPEARANCES

14 GEOFFREY S. BERMAN

15 United States Attorney for the  
Southern District of New York

16 BY: ROBERT BOONE

ELI J. MARK

17 NOAH SOLOWIEJCZYK

Assistant United States Attorneys

18 BARNES & THORNBURG, LLP

19 Attorneys for Defendant

20 BY: WILLIAM R. MARTIN

ADEYEMI ADENRELE

-and-

21 JOHNNY L. MCCRAY, JR.

1 (Case called)

2 MR. BOONE: Good morning, your Honor, Robert Boone for  
3 the government. Here with me at counsel's table are Eli Mark  
4 and Noah Solowiejczyk.

5 THE COURT: Good morning.

6 MR. MARTIN: Good morning, your Honor, William Martin  
7 on behalf of Mr. Evans. With me from my firm, Adeyemi  
8 Adenrele. He recently signed a pro hac vice. Mr. Evans is  
9 here present before the Court.

10 MR. McCRAY: Johnny McCray, Jr., cocounsel for the  
11 defendant.

12 THE COURT: Thank you all. You can be seated.

13 This matter is on for sentencing and in preparation  
14 for today's proceeding I have reviewed the following. I have  
15 reviewed the presentence investigation report, last revised on  
16 May 10, 2019, prepared by U.S. Probation Officer Johnny Kim,  
17 which includes a recommendation. I have also reviewed the  
18 sentencing letters submitted by Mr. Evans' attorneys filed on  
19 May 21, 2019, which includes letters submitted by various of  
20 Mr. Evans' family and friends, and I have reviewed the  
21 government's submission, dated May 31, 2019.

22 Anything else I should have received or reviewed,  
23 Mr. Boone?

24 MR. BOONE: No, your Honor.

25 THE COURT: Mr. Martin?

1 MR. MARTIN: No, your Honor.

2 THE COURT: Mr. Martin, have you read the presentence  
3 report and discussed it with your client?

4 MR. MARTIN: Yes, your Honor.

5 THE COURT: Mr. Evans, have you received a copy of the  
6 presentence report and discussed it with your attorney?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Are there any objections to the report  
9 regarding its factual accuracy?

10 MR. MARTIN: From counsel, no, your Honor.

11 THE DEFENDANT: No, sir.

12 THE COURT: Although I am not required to impose a  
13 sentence within the guidelines range, I am required to consider  
14 the applicable range and, accordingly, I have to do the  
15 calculation.

16 Mr. Evans pleaded guilty to Count One of the  
17 indictment, which charges him with conspiracy to commit  
18 bribery, in violation of 18 U.S.C. Section 371. That offense  
19 carries a base offense level of 12. To that, two levels are  
20 added because the offense involved more than one bribe and an  
21 additional four levels are added because a total amount of the  
22 bribes was \$22,000. Three levels are deducted from Mr. Evans'  
23 acceptance of responsibility yielding a total offense level of  
24 15. Because Mr. Evans has no prior convictions, he's in  
25 criminal history category I.

1 Is there any objection to that calculation, Mr. Boone?

2 MR. BOONE: No, your Honor.

3 THE COURT: Mr. Martin.

4 MR. MARTIN: No, your Honor.

5 THE COURT: Based on the parties' representations  
6 that, in their view, the calculation that I just described,  
7 which is consistent with the calculation in the PSR, is  
8 correct, I find that a criminal history category is I and the  
9 total offense level is 15, yielding a guidelines range of 18 to  
10 24 months.

11 Mr. Boone, did the government wish to be heard before  
12 the imposition of sentence?

13 MR. BOONE: Yes. Just briefly, your Honor.

14 The government recognizes that your Honor is  
15 thoroughly aware of the facts of this case, given that there  
16 was a trial and, more recently, there have been two sentencings  
17 in this case this week alone.

18 We just want to highlight a couple of things we think  
19 make this defendant different than the other defendants in the  
20 case, particularly the other coaches that are defendants in  
21 this case.

22 One is the length of time this defendant participated  
23 in this scheme. As your Honor is aware, sort of the genesis of  
24 defendant's participation began in March 2016, when a meeting  
25 was had involving the defendant, government cooperator Munish

1 Sood and Marty Blazer and Christian Dawkins in South Carolina,  
2 and you know the purpose of that meeting was sort of begin  
3 their relationship and that relationship encapsulating payments  
4 being made to Lamont Evans in an effort for him to steer  
5 players from South Carolina to Sood and Dawkins and Blazer.

6 And as your Honor will also recall, prior to this  
7 arrangement being commenced in March 2016, there is evidence at  
8 trial that Mr. Evans actually had been taking money from  
9 Christian Dawkins before that date. We think that is relevant  
10 to defendant's sort of background and characteristics to show  
11 sort of his culpability and that evidence was recordings  
12 specifically regarding the March meeting in which Christian  
13 Dawkins said that he had been paying Lamont Evans \$2500 at  
14 least for a couple of months, even prior to Marty Blazer's  
15 involvement.

16 That's important in large part because one of the  
17 defenses that's been made in this case is that the government  
18 sort of brought this case to be and the government sort of  
19 created this whole bribery situation.

20 In particular as it relates to Lamont Evans, this is  
21 simply not true. There is evidence that is frankly undisputed  
22 at trial that he had been engaged in similar conduct before the  
23 government cooperator came about, before the government  
24 cooperator even knew who Lamont Evans was and that he continued  
25 that course of conduct once the government did get involved.

1           So in terms of the charged conspiracy that started for  
2       Lamont Evans, his participation around March, and it continued  
3       for well over a year. He continued to get paid up until  
4       essentially a month or so before the arrests were made in  
5       September, if you recall. He was one of the coaches who went  
6       to Las Vegas and received money separate from or sort of  
7       different from the other coaches in that Vegas meeting. Lamont  
8       Evans had already been receiving money. He wasn't a coach who  
9       they were meeting for the first time and beginning a  
10      relationship with. Marty Blazer testified that he really just  
11      came to Vegas to sort of pick up a check and to reengage  
12      conversations with Christian Dawkins because he had already  
13      been on the take at that point for over a year.

14           THE COURT: Remind me, Mr. Boone, that the money that  
15      Martin Blazer gave to Mr. Evans, was Martin Blazer cooperating  
16      during that entire period?

17           MR. BOONE: Yes. Martin Blazer was cooperating during  
18      the entire time of the charged conduct. His cooperation was  
19      proactive. So, yes. During that time period in July he was  
20      proactively cooperating with the government.

21           While we are still on the point in terms of the length  
22      of time, another aspect of Lamont Evans' situation that I think  
23      differentiates him from the other coaches is that he committed  
24      this fraud while working for two different universities.

25           As the Court is aware, it began in South Carolina,

1 when he was an assistant coach at University of South Carolina,  
2 and then sometime in the spring of 2016, he got a job  
3 opportunity at Oklahoma State University and took that job  
4 opportunity and made it very clear to Marty Blazer that he  
5 wanted to continue their relationship in terms of receiving  
6 bribes. We have quoted that language in the sentencing  
7 submission. It's also in the complaint where Mr. Evans makes  
8 clear that his going to a new school will not hinder their  
9 relationship. In fact, it will make it better because he says  
10 there will be better players and there will be more and more  
11 business for Blazer.

12 THE COURT: Let me ask you this. We have gotten the  
13 victim impact statements from the University of Southern  
14 California and the University of Arizona. Is there any reason  
15 why we didn't get victim impact statements from the two schools  
16 for whom Mr. Evans worked?

17 MR. BOONE: Your Honor, we notified those  
18 universities, like we notified all the universities, and let  
19 them know about certainly their right to submit a statement,  
20 and we sort of walked through sort of what the statements  
21 typically look like. For reasons not entirely clear to us,  
22 they chose not to submit letters.

23 Your Honor, one other aspect we want to highlight that  
24 we think makes Evans' conduct different than the others is  
25 really the amount of effort he put into the scheme, frankly.

1 There is testimony that Lamont Evans traveled virtually across  
2 the country for the primary purpose of getting bribe payments.  
3 There is testimony he went to New York. Obviously, we have  
4 talked about Las Vegas already. There is testimony at trial  
5 that he went to Miami. He also went to Orlando, Florida.  
6 There was a meeting that occurred in West Virginia while he was  
7 on a basketball trip there. So it wasn't a situation in which  
8 the people who were paying bribes simply were coming to his  
9 house and throwing money at him. He was actually taking  
10 efforts to travel to meet those individuals, to accept money.

11 THE COURT: Do you know whether he was engaging in  
12 that travel outside of his responsibilities to the schools for  
13 which he was working?

14 MR. BOONE: For West Virginia he certainly was  
15 traveling in relation to an official basketball trip. They had  
16 a game in West Virginia. For certain of the other trips we  
17 don't know for certain if he, on those trips, also did  
18 basketball-related events that the government cooperator simply  
19 wasn't a part of.

20 But at least in terms of the meetings that our  
21 cooperator had with him, they are in hotel rooms, in other  
22 places where it was just the government cooperator, other  
23 coconspirators, and the defendant. So at least for those time  
24 periods it seemed that he was just there to meet them. What  
25 was he doing other days? We are not sure, frankly. But it



1 certainly seemed like at least a good number of those trips  
2 were sort of recreational trips, particularly given the timing.  
3 Some of those weren't during the school year.

4 Sort of sticking to that sort of point, your Honor, in  
5 terms of defendant's efforts he made in the scheme, I want to  
6 highlight just one particular phone call that defendant  
7 participated in. This was Government Exhibit 413. It was an  
8 August 4, 2016 phone call.

9 Just to give context, this was a phone call that  
10 happened while the defendant was traveling to Florida to meet  
11 Marty Blazer and Munish Sood and the context was, he was to  
12 meet them to get paid. Marty Blazer met him and paid him a  
13 thousand dollars.

14 There then was another meeting scheduled for the next  
15 day with Marty Blazer, Munish Sood, and the defendant. That  
16 meeting happened, but Munish Sood didn't pay Lamont Evans.  
17 Lamont Evans was upset about it. He called Marty Blazer about  
18 it. That call was played at trial. And during that call he  
19 made very clear how important it was for him to pay what he was  
20 going to be providing in terms of services in exchange for  
21 that.

22 You may recall he mentioned that what he would be  
23 doing for Blazer and Sood is he would be burying other agents  
24 on behalf of them. In other words, he would prevent other  
25 agents from having contact with players that he was going to be

steering towards them, and he made it very clear that he was going to make it clear to the players that Marty Blazer and Munish Sood were the advisors they were to go with. He said specifically he is not going to allow them to sort of interview six different individuals and have six different referrals. He is going to make it clear to them that there is really only one advisor, set of advisors that you are going to go with and it's going to be the people we just discussed.

Another sort of example we want to briefly highlight in terms of the efforts Lamont Evans made in the conspiracy that I think separate him from the other coaches is that he did in fact set up a meeting between a current basketball player who was under his supervision, that's Jeffrey Carroll from Oklahoma University and Marty Blazer. They met in a hotel room in West Virginia while Oklahoma State was there for a basketball game. That meeting was recorded.

Mr. Evans made it clear during that meeting that Marty Blazer was going to be your advisor, should you make it to the NBA. And steering Jeffrey Carroll to Blazer, he made several false statements. He made a statement -- he sort of touted up his relationship with Blazer as if they were friends when it was very clear the relationship really was just meeting in various cities and Blazer giving him money.

He even suggested that Blazer was helping him out with some financial work, which wasn't true. He said that Blazer

1 helped him open a restaurant in Pittsburgh. I think this was  
2 an effort to sort of show their familiarity. Blazer never  
3 opened up a restaurant in Pittsburgh. That was completely  
4 false.

5 All of these lies were told to convince the player  
6 that Marty Blazer was someone he really did trust and who he  
7 did have a relationship with and, therefore, the players trust  
8 him as well, when, in reality, this was all just an effort to  
9 steer a player to an individual who Lamont Evans knew very  
10 little about and, at a minimum, knew was someone who publicly  
11 had been accused of stealing money from professional players.

12 Lastly, your Honor, what also separates this defendant  
13 from the other coaching defendants is that he took the most  
14 amount of money. As your Honor knows, he took \$22,000 in  
15 bribes. That's what was alleged, and we believe that was what  
16 was proved up at trial.

17 Just to highlight what I think is interesting about  
18 the payments he received that also is unique is that sort of  
19 the level of interest in getting as much as possible from the  
20 bribe payers. I think that's best exhibited by the fact that  
21 not only was Lamont Evans taking money, but he was even  
22 pressuring Marty Blazer to give him things as seemly  
23 insignificant at headphones. You may recall there was  
24 testimony about that and that he asked Marty Blazer to give him  
25 two headphones.

1 I think even though headphones in and of themselves  
2 may seem sort of minimal, I think what it shows is that this  
3 defendant really viewed their relationship as a pure monetary  
4 one for him to get as much out of as possible on big things and  
5 small things in terms of monetary value, and I think that goes  
6 to show another level of his culpability in his crime.

7 Unless your Honor has any further questions, we will  
8 rest on our submission.

9 THE COURT: Thank you.

10 Mr. Martin, do you wish to make a statement?

11 MR. MARTIN: If I may, your Honor.

12 May I speak from the lecturn, Judge?

13 THE COURT: Absolutely.

14 MR. MARTIN: Good morning, your Honor.

15 Your Honor, this is a difficult time I know for the  
16 Court, as well as for any defendant about to be sentenced. You  
17 have heard the evidence in this case, and I am not going to go  
18 back over that case.

19 Judge, as I was reflecting on what might be  
20 appropriately apparent at this hearing and what might be an  
21 appropriate sentence on this, I reflected back to when I was  
22 first sworn in as a young AUSA some 40 years ago and there were  
23 no sentencing guidelines.

24 (Continued on next page)

1 MR. MARTIN: And we were able to argue to the Court  
2 what would be an appropriate sentence based upon the evidence  
3 that was adduced at trial or during the plea and the evidence  
4 and the facts and the law involved.

5 And I think we're back almost to that point, Judge,  
6 after Booker, which allows you to look at the guidelines, not  
7 as mandatory but as advisory and determine what would be a fair  
8 and just sentence.

9 Your Honor, if we looked at what would be a fair and  
10 just sentence in this case, I first would take a moment and  
11 just respectfully disagree with my learned counsel in terms of  
12 some of the evidence that he's submitted to you.

13 Some of that is his views. I don't believe there's  
14 been any testimony, Your Honor, that we would admit to that  
15 Mr. Evans ever received a bribe in Orlando. We don't know of  
16 any bribe in Orlando. We don't recall, when reviewing any of  
17 the evidence, of a bribe in Orlando.

18 He raised Miami. Mr. Evans went home. He and his  
19 family live in the Miami area. He wasn't traveling all over  
20 the country for purposes of receiving these bribes.

21 Judge, I say that because the government was very good  
22 at what they did arranged, would ask him, where are you going  
23 to be? It wasn't like, hey, let's go to Las Vegas for purposes  
24 of getting a bribe.

25 The government would find out, where are you going to

1 be? They knew there was a big NCAA college recruiting event in  
2 Las Vegas. All of the coaches were in Las Vegas. He did not  
3 go there for purposes of soliciting or receiving any bribe  
4 money.

5 In New York -- we've listened to every one of those  
6 phone calls. He was coming to New York and asking, what are  
7 you doing? I have to go to New York for a recruiting trip.  
8 We'll meet you in New York.

9 For the government to stand here and make it look like  
10 he traveled all over the country for the purposes of receiving  
11 these bribes, he wasn't very secretive, but he wasn't  
12 surreptitiously trying to come up with these secret meeting  
13 places.

14 They found out where Mr. Evans was going to be, and he  
15 proceeded to travel. They set up a meeting for him to travel  
16 to New York and then charged it as a Travel Act violation. He  
17 did not go there with the mens rea, for the purpose, of finding  
18 a spot outside of either South Carolina or Oklahoma to have  
19 this. He happened to be there.

20 Your Honor, I don't mean to downplay the amount at  
21 issue here. Judge, we're in New York City right now. For us  
22 to be sitting here talking about the most money, and that most  
23 money was \$22,000.

24 I don't want the Court to think that I'm making light  
25 of \$22,000 because I am not. But in the grand scheme of fraud

1 schemes that this Court sees and in the grand scheme of fraud  
2 in America, \$22,000 is not an awful lot of money.

3 Judge, I raise that because I was trying to think of a  
4 way that I could stand here before your Honor and try to  
5 convince you of how Mr. Evans is really no different from  
6 Mr. Richardson or Mr. Bland in what they did in this criminal  
7 act.

8 The argument that I put forth to the Court is that  
9 there essentially is no difference, Judge. I expect that  
10 Mr. Evans will stand up and say to the Court that what I did  
11 violated my oath of trust to both my employer, the  
12 universities, and to these kids, as well as to his family.

13 That was the crime, Judge. What this criminal  
14 conspiracy and this agreement was was an agreement for them to  
15 violate their trust, all three of them.

16 Now, the fact that Mr. Bland may have received \$4,000  
17 and Mr. Richardson \$20,000 and Mr. Evans \$22,000, your Honor  
18 should not make that a real different fact.

19 Your Honor, there is no excuse that Mr. Evans can or  
20 will make as to why he engaged in this conduct. It's a crime  
21 which is why he pled guilty to that crime.

22 Your Honor, I know that you heard statements during  
23 the course of trial, and many of those were statements by  
24 Mr. Dawkins, either on the recordings or indirectly hearsay as  
25 a coconspirator during the course of one of these conspiracies,

1 but we would refute a lot of statements made by Mr. Dawkins in  
2 those phone calls as to what he says Mr. Evans was doing.

3 The government alleges that the conspiracy started  
4 sometime prior to March 2016. And we say that because  
5 Mr. Dawkins, who they've characterized as a liar, as somebody  
6 who is not worthy of belief, and somebody whose credibility is  
7 zero because Mr. Dawkins says that prior to that, I was paying  
8 Mr. Evans \$2,500.

9 We submit respectfully, your Honor, that's not true.  
10 Whether he had ever spoken to Mr. Evans, whether he asked  
11 Mr. Evans whether he was willing to do that is something that  
12 may have been out there. But there is no evidence in this  
13 hearing, either evidence received in this court or testimony,  
14 that Mr. Evans was involved in anything prior to March 16.

15 Judge, I only say that because I'm trying to find a  
16 way to argue to your Honor that these three men, all three of  
17 them, have virtually ruined their lives as coaches. All three  
18 of them have violated the trust of their employers, the  
19 university, and these kids.

20 We submit to your Honor -- I know your Honor has said  
21 that one may be the least culpable. The government has agreed  
22 that Mr. Bland was the least culpable.

23 I don't know why Mr. Dawkins would call Mr. Evans.  
24 Maybe because they were in South Carolina when it started. A  
25 crime is a crime, your Honor. We think that there is nothing



1 that really differentiates these three coaches.

2 THE COURT: I'm sitting here trying to figure out why  
3 Mr. Dawkins would lie about -- I understand Mr. Dawkins is  
4 responsible for a lot of things, but why he would lie about  
5 having paid Mr. Evans unless the deal was that Dawkins would  
6 encourage the government's cooperators to pay the coaches and  
7 then get the money back as a kickback, but that apparently is  
8 not what happened here.

9 Under the circumstances, it seems that it's a  
10 statement that I can credit.

11 MR. MARTIN: Your Honor, since it goes back to prior  
12 to the date that this conspiracy alleged, and if you look at  
13 404(b) or other extrinsic evidence which your Honor can  
14 consider which you clearly can outside the scope of the  
15 evidence in this case, we're talking about prior to March of  
16 2016, the statements by Mr. Dawkins.

17 Your Honor, one of the reasons that we came up with as  
18 to why Mr. Dawkins may have in fact made these statements is  
19 because he wanted to show that Evans was on board, that I can  
20 get to Evans. As a matter of fact, he's been on board with me.

21 Mr. Boone even said a couple of months. He's not  
22 talking about something that they could prove for an extended  
23 period of time. I heard Mr. Boone this morning say that at  
24 least for a couple of months.

25 So the other alleged conspiracy involving Mr. Dawkins

1 that preceded the conspiracy before your Honor the government  
2 submits may have existed a couple of months. And we're saying,  
3 your Honor, that that testimony is not worthy of belief.

4 Judge, if you do believe it, they can't tell you that  
5 it raises much more money. They're trying to find a way to  
6 differentiate the conduct of the coaches. Your Honor, I  
7 respectfully submit to you that it really does not.

8 All three men were flawed. All three men were flawed  
9 in terms of the examples of mentorship, the guidance that was  
10 expected of them with these young men.

11 Your Honor, if I can go back. The other thing we  
12 think would separate Mr. Lamont Evans from Mr. Richardson and  
13 Mr. Bland would be the number of -- not just the sheer number  
14 but the content of the letters written by people in the  
15 community, written by educators, written by coaches, written by  
16 NBA team management of the character of Lamont Evans.

17 Your Honor, I would concede -- one of the things I  
18 tell junior lawyers when I'm working with them is you never  
19 want to walk into a courtroom and concede much. But I would  
20 concede, your Honor, that what he did is something that  
21 cannot -- does not fit with the character of the people that  
22 people are describing to you.

23 What he did is an anomaly, your Honor. This whole  
24 thing may have been an opportunity to "get rich quick," and his  
25 getting rich quick was \$22,000. Your Honor, what Mr. Evans has

lost -- if you were to throw him in jail for any number of years, it will not take away, punishment, that he has caused himself.

Mr. Evans was probably in the top tier of assistant coaches ready to move into the ranks of a coach in a Division I basketball program. He's not there, and he probably will never, ever get back to the NCAA because of this conviction. He's lost that.

If you look at what it was that Mr. Evans did put himself in a position to qualify for that, Judge, you see a young man who was clearly skilled as a basketball player from his high school days on.

He was all high school in Florida. He was all college in his first two or three years in playing ball. When had to transfer from a junior college to a four-year program, he ran out of eligibility, and they revoked his scholarship.

And he stopped school and then went back, after playing professionally in Europe, to Kansas State to get his degree and to be trained as an assistant coach. He has worked very hard to put himself in a position to qualify for that.

If you look at what has been lost, the government talked about what had been gained, \$22,000. But Mr. Evans now has lost a job earning \$600,000 as a coach. He's now doing labor because that's the only job he can find in his hometown of the Fort Lauderdale, Florida, area.

1           Your Honor, you've seen the letters from players.  
2       Players wrote in on his behalf. There are three letters in  
3       there from players. There are letters in there from parents of  
4       players, even knowing the allegations in this indictment  
5       because we made it very clear when we spoke to these people  
6       that these are the charges. This is what he's alleged to have  
7       done.

8           Even knowing those charges, parents wanted you to know  
9       what Mr. Evans had done on behalf of their sons. Is he flawed?  
10      Did he violate their trust? Your Honor, he did.

11          I think, most telling, your Honor, we would ask that  
12      you consider a non-incarceration sentence. Mr. Evans is here  
13      with his wife and friends who traveled up from Florida to be  
14      supportive. One is a fellow coach in the area.

15          They can talk about the number of young minority kids.  
16      And he grew up in a poor neighborhood. The number of poor  
17      kids, minority children, who have been able to go beyond high  
18      school because of Lamont Evans, not because of his money but  
19      because he saw kids that wouldn't qualify for a DI program that  
20      he was able to get into a Division II or a Division III  
21      program. But for Lamont Evans, those kids would not have had  
22      that opportunity.

23          Your Honor, incarceration is not -- respectfully we  
24      believe incarceration is not something that would change any of  
25      the factors that are listed under 3553.

1           When you look at the factors under 3553 and determine  
2           a minimally sufficient sentence -- and I'm not going to read  
3           them, Judge. You know the factors under 3553(a)(2) through  
4           (d). We submit that none of those, your Honor, speak to the  
5           individual before you.

6           I'm not comparing him to Mr. Bland or Mr. Richardson,  
7           although number 5 is the need to avoid unwarranted sentence  
8           disparities. I know that is there. But if you look at the  
9           person that is here, this person is much different than  
10          Mr. Bland or Mr. Richardson.

11          We believe, your Honor, that for somebody who has been  
12          able to accomplish all that he has accomplished, somebody who  
13          has been able to help as many people as he has been able to  
14          reach out to, we believe, your Honor, that a sentence, a  
15          non-incarceration sentence, would be something that would be  
16          appropriate under these facts.

17          Your Honor, if the Court determines that some period  
18          of incarceration would be appropriate -- and we respectfully  
19          hope that you would not, but if you do, Judge, we would ask you  
20          to consider that he have home confinement.

21          Your Honor, I know under the law here in the Second  
22          Circuit that I cannot offer and you cannot consider the fact  
23          that Mr. Evans is not a U.S. citizen and some of the collateral  
24          consequences that may impact him.

25          But a fact of this case is that although Mr. Evans has

1 been in the United States since he was two years old, he  
2 unfortunately never became a U.S. citizen. So there is a high  
3 likelihood that there may be removal proceedings for Mr. Evans.

4 We would ask, your Honor, that he be permitted to have  
5 as long as possible with his family. He has a 17/18-year-old  
6 son that I know your Honor has read about in the papers as  
7 people describe him having an excellent fathering relationship.  
8 He's had to look his son in the eyes and tell his son what he  
9 did.

10 Your Honor, I think no matter how much incarceration  
11 you might impose, there is nothing more painful to the father  
12 than looking into his son's eyes and telling him how he failed  
13 and how he failed by committing a crime.

14 We think these men are very similar, your Honor. And  
15 we'd ask, respectfully, Judge, that you consider a sentence  
16 similar to that of Mr. Bland in sentencing Mr. Evans.

17 THE COURT: Thank you, Mr. Martin.

18 MR. MARTIN: Thank you, your Honor.

19 THE COURT: Mr. Evans, you have an absolute right to  
20 address the Court before I impose sentence.

21 Is there anything that you want me to know?

22 THE DEFENDANT: Yes, sir.

23 Good morning, your Honor.

24 THE COURT: Good morning.

25 THE DEFENDANT: Thank you for allowing me to speak to

1 you in the court. Your Honor, I know I'm going to get a little  
2 nervous as I'm nervous now.

3 THE COURT: Take your time.

4 THE DEFENDANT: So I thank you for allowing me to read  
5 this statement to you.

6 Your Honor, I stand before this Court as a humble man.  
7 For reasons that I initially could not explain, I risked  
8 everything that I worked for for a very long time simply to  
9 engage in criminal conduct. This is what has brought me here  
10 today.

11 In hindsight and upon reflection, I knew that it was  
12 wrong to use my position of trust to expose my employers, the  
13 University of South Carolina and Oklahoma State University, to  
14 issues with the NCAA and to disappoint the student athletes who  
15 looked up to me.

16 I would like to make it clear that I know what I did  
17 was a crime, and that is why I agreed to plead guilty.

18 Your Honor, I accept full responsibility for any actions. My  
19 hope today is that you will not incarcerate me. I have an  
20 18-year-old son who I've had to explain why I put myself and my  
21 family in this situation.

22 The simple answer is that I thought it was an easy way  
23 to make money. Over the years, I served as a role model to  
24 young women, children, and young adults in my community of all  
25 ages.

1 I have worked very hard to educate myself so that I  
2 could get a job and support my family. My wife is here today,  
3 and our son is home praying that I will not have to go to  
4 prison.

5 I agreed to do things that I knew were wrong, but at  
6 the time I did not appreciate how I was hurting student  
7 athletes at the universities. The student athletes placed  
8 their trust in me, and I abused that trust in a critical time  
9 in their lives, and I also brought a level of scorn upon the  
10 University of South Carolina and Oklahoma State University that  
11 they did not deserve.

12 I apologize to the universities, the coaches, the  
13 athletes, my family, my wife, my son, this Court, and anyone  
14 else who I have disappointed or hurt with my bad decision.

15 I only ask that I'm able to start and rebuild my life  
16 without first going to prison and continuing a positive path to  
17 impact the youth in my community.

18 Your Honor, I am aware of the sentence that you  
19 imposed on Mr. Tony Bland and Mr. Book Richardson. If you do  
20 believe it is necessary to confine me, sir, I humbly, I humbly  
21 ask that it is a sentence of home confinement.

22 Your Honor, thank you for your time and your  
23 consideration in allowing me to speak before you and in front  
24 of the Court. Thank you, sir.

25 THE COURT: Thank you, Mr. Evans.



1 MR. MARTIN: Thank you, your Honor. There is nothing  
2 further from the defense.

3 THE COURT: Very well.

4 In deciding what sentence to impose, in addition to  
5 the sentencing guidelines and the commentaries thereto, I've  
6 considered all of the factors set forth in Section 3553(a) of  
7 Title 18 of the United States Code, including the nature and  
8 circumstances of the offense and the history and  
9 characteristics of Mr. Evans.

10 I've considered the need for the sentence imposed to  
11 reflect the seriousness of the offense, to promote respect for  
12 the law, to provide a just punishment to the offense, and to  
13 afford adequate deterrence to criminal conduct.

14 I've considered the need to avoid unwarranted sentence  
15 disparities among similarly situated defendants. And having  
16 considered these factors, it is my intention to impose a  
17 sentence of three months' incarceration to be followed by two  
18 years of supervised release, a \$100 special assessment, and  
19 that Mr. Evans be made to forfeit \$22,000.

20 I believe that this sentence is sufficient but not  
21 greater than necessary to comply with the purposes of  
22 sentencing for the following reasons:

23 This is the third day in a row now that I'm doing  
24 this. And I begin, as I must, by noting that this is, in my  
25 mind, a serious offense with real victims, the victims being

1 the student athletes who Mr. Evans put his interests above  
2 theirs when it ought to have been the other way around and the  
3 universities for whom he worked who have been exposed to not  
4 only the loss of reputation but additional adverse consequences  
5 from Mr. Evans' acts.

6 To the government's point, I do believe that  
7 Mr. Evans' actions here -- at least the quantum of evidence  
8 that we have concerning Mr. Evans in this case is different and  
9 perhaps more egregious than that of Mr. Richardson and  
10 certainly that of Mr. Bland.

11 But it's different and more egregious at the margins.  
12 The amount of money, to Mr. Martin's point, is not particularly  
13 high. In fact, it's very low, certainly for the types of cases  
14 that we see in these parts.

15 But we do have Mr. Evans on calls requesting  
16 additional monies. We had him discussing particular  
17 individuals, particular students. We have him providing false  
18 information to a student in order to ensure that that student  
19 comes to trust the government's cooperators.

20 I read very closely the letters that were submitted by  
21 Mr. Evans' friends and associates, and I do not doubt the  
22 sincerity of any of those letters. I believe that they  
23 understand Mr. Evans -- they know Mr. Evans to be a good person  
24 who has been helpful to them and helpful to many others.

25 And I believe sincerely that the individuals that

1 wrote those letters would not recognize the Lamont Evans that  
2 comes across in the government's recordings and video.

3 This is a case where the government did use  
4 substantial cooperating witnesses. However, it would be a  
5 mistake to think that this was a government-created offense.

6 No one's arms were twisted, as far as I could tell,  
7 during the course of the recordings and the videos. These  
8 bribes were discussed openly, and certainly with respect to the  
9 individual coaches that were discussed at trial, no one had to  
10 be convinced to take bribes.

11 I don't know what that tells us about the industry  
12 generally, but certainly with respect to the relevant  
13 individuals before me, they earned the conviction that they  
14 pled to.

15 So for all of those reasons, I do believe that a  
16 sentence of incarceration is necessary. I don't believe that  
17 specific deterrence is necessary because I don't believe that  
18 Mr. Evans will offend again or that he will come before me  
19 again because he has violated one or another of the conditions  
20 of his supervised release.

21 I believe that he will lead a law-abiding life in the  
22 future as he has, by and large, led a law-abiding life before  
23 these offenses. But in determining the amount of time that is  
24 necessary, that is minimally necessary, I also have to consider  
25 the fact that this is his first ever offense. It does not

involve violence. And I have to consider the information that was provided by Mr. Martin and his co-counsel, the letters that were submitted.

And I take it on faith that what was relayed to me in those letters, including by a high school coach and by a college professor that still remembers with great fondness Mr. Evans and how helpful he was to her during a difficult time in her life.

I have to consider that he has in fact helped generations of young men who were committed to his care in various basketball programs, including at the universities at which he worked.

And given that, I do believe that a sentence certainly below the guidelines range is appropriate and also certainly below what has already been given to Messrs. Dawkins and Code.

So with that, does counsel know of any legal reason why I should not impose the sentence as I've indicated?

Mr. Boone?

MR. BOONE: No, your Honor.

THE COURT: Mr. Martin?

MR. MARTIN: No, your Honor.

THE COURT: In that event, that is the judgment of this Court, that Mr. Evans be sentenced to three months of imprisonment on the one count of conviction.

The standard conditions of supervised release 1

through 12 will apply, as well as the following special and mandatory conditions:

The mandatory conditions are: That you not commit another federal, state, or local crime and that you not unlawfully possess a controlled substance.

You must refrain from the unlawful use of a controlled substance and submit to a drug test within 15 days of release and two periodic drug tests thereafter as determined by probation.

And the special conditions are that you not incur any new credit charges or open additional lines of credit without the approval of the probation officer and that you must provide the probation officer with any requested financial information and that you obey the immigration laws and comply with the directives of the immigration authorities.

I forgot to mention also you must perform 100 hours of community service as directed by the probation officer.

You are ordered to pay the mandatory special assessment of \$100 which shall be due immediately. And you are ordered to forfeit \$22,000 which I believe you've already agreed to with the government.

Are there any open counts with respect to Mr. Evans?

MR. BOONE: Yes, your Honor. We move to dismiss them at this time.

THE COURT: That application is granted.

1 That constitutes the sentence of the Court.

2 Mr. Evans, I believe I sentenced you below the  
3 stipulated guidelines range that was in your agreement with the  
4 government. What that means as a practical matter is that your  
5 appellate rights are severely restricted.

6 However, Mr. Martin, will you assure me that you will  
7 thoroughly and promptly discuss with Mr. Evans his appellate  
8 rights and the effect of the plea agreement on those rights?

9 MR. MARTIN: I will do so, your Honor.

10 THE COURT: Mr. Martin, do you have any other  
11 applications?

12 MR. MARTIN: Yes, your Honor. We ask, your Honor, if  
13 you would consider a voluntary surrender in the Miami/Fort  
14 Lauderdale area. Mr. Evans is still assisting his young son in  
15 basketball. If your Honor would consider a date after July 25  
16 to allow him to complete this period of basketball with his son  
17 for the summer.

18 THE COURT: July 26.

19 MR. MARTIN: That would be fine, your Honor.

20 THE COURT: July 26. Mr. Martin, if he's not  
21 designated by then, you can make an application to have a later  
22 date.

23 MR. MARTIN: That's fine. Your Honor, we would also  
24 ask -- does the judgment and commitment order go in immediately  
25 from you?

1 THE COURT: It will not go in today, but it will go in  
2 in the next couple of days.

3 MR. MARTIN: We would ask you to recommend,  
4 your Honor, a facility in the south Florida area, and we will  
5 submit an address and name to chambers.

6 THE COURT: I'm happy to make that recommendation.  
7 However, you should know, Mr. Evans, that the Bureau of Prisons  
8 is not required to follow my recommendation, but I will  
9 certainly make it.

10 THE DEFENDANT: Thank you, sir.

11 MR. MARTIN: Your Honor, there is nothing further from  
12 the defense.

13 THE COURT: Mr. Boone, anything further?

14 MR. BOONE: No, your Honor.

15 THE COURT: In that event, we are adjourned.  
16 Mr. Evans, good luck to you, sir.

17 THE DEFENDANT: Thank you, your Honor.

18 (Adjourned)

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